

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Tsutomu Okada	Examiner:	Diane D. Yabut
Serial No.:	10/724,812	Art Unit:	3734
Filed:	December 1, 2003	Docket:	17291
For:	MUCOSA EXCISION DEVICE USING ENDOSCOPE	Dated:	June 26, 2009
Conf. No.:	5537		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 1.97(d)

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. Japanese Patent Application KOKAI Publication No. 9-140306 published June 3, 1997; and
2. Japanese Patent Application KOKAI Publication No. 8-47360 published February 20, 1996.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website on the date set forth below.

Dated: June 26, 2009

/Thomas Spinelli/
Thomas Spinelli

The references listed above were cited in an Official Action dated June 2, 2009 received from the Japanese Patent Office. Applicant is submitting copies of the above references, together with a translation of the Examiner's comments regarding all of the references from the Official Action. Please note that the other reference cited in the Office Action was previously cited in applicants Information Disclosure Statement dated December 1, 2003. The relevance of the references has been described in the Official Action.

In compliance with the requirements of 37 C.F.R. §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a translation of portions of an Official Action by a foreign examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in a foreign patent application on the same subject matter. However, no independent analysis of the references, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of that country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith.

Pursuant to 1.97(e)(1), the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Further, inasmuch as this Information Disclosure Statement is also being submitted in accordance with the schedule set out in 37 C.F.R. § 1.704(d), a statement is attached.

The requisite \$180.00 official fee pursuant to § 1.17(p) has been charged to
Deposit Account 191013.

Respectfully submitted,

/Thomas Spinelli/

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STATEMENT PURSUANT TO 37 C.F.R. §1.704(d)

Sir:

I hereby state that each item of information contained in the Information Disclosure Statement submitted herewith was first cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

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Dated: June 26, 2009

/Thomas Spinelli/
Thomas Spinelli

Therefore, the Information Disclosure Statement submitted herewith cannot be considered a failure to engage in reasonable efforts to conclude prosecution of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of 37 C.F.R. §1.704.

Respectfully submitted,

/Thomas Spinelli/

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